

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

DECISION AND ORDER

v.

21-CR-06181-FPG-MJP

DEJOUNGE SHARPE,

Defendant.

PEDERSEN, M.J. By Order of the Honorable David G. Larimer, the above case was referred to the undersigned with Defendant's consent to take Defendant's plea of guilty and to conduct an allocation pursuant to Rule 11 of the Federal Rules of Criminal Procedure for a Report and Recommendation. (Order of Referral, ECF No. 33.) The following is the undersigned's Report and Recommendation as to Defendant's plea of guilty.

On December 21, 2021, Defendant entered a plea of guilty in this case, as set forth in the transcript of the plea proceeding, which is incorporated by reference in this written Report and Recommendation. (Transcript, ECF No. 39.) In accordance with my findings at the close of the plea proceeding, it is my Report and Recommendation that Defendant's plea of guilty accords with the requirements of Rule 11 of the Federal Rules of Criminal Procedure.

The undersigned recommends that your Honor adjudge Defendant guilty of the offense(s) to which the guilty plea was offered.

Pursuant to 28 U.S.C. § 636(b)(1), it is hereby

ORDERED that this Report & Recommendation be filed with the Clerk of the Court and that the Clerk shall send a copy of the Report & Recommendation to all parties.

ANY OBJECTIONS to this Report & Recommendation must be filed with the Clerk of this Court within ten (10) days after receipt of a copy of this Report & Recommendation in accordance with 28 U.S.C. § 636(b)(1), Fed. R. Cr. P. 59(b)(2) and W.D.N.Y. Local Criminal Rule 58.2(a)(3).

Failure to file objections to this report & recommendation within the specified time or to request an extension of such time waives the right to appeal any subsequent district court's order adopting the recommendations contained herein. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L.Ed.2d 435 (1985); *F.D.I.C. v. Hillcrest Associates*, 66 F.3d 566 (2d Cir.1995); *Wesolak v. Canadair Ltd.*, 838 F.2d 55 (2d Cir. 1988).

The District Court on *de novo* review will ordinarily refuse to consider arguments, case law and/or evidentiary material which could have been, but was not, presented to the Magistrate Judge in the first instance. See *Patterson-Leitch Co. Inc. v. Massachusetts Municipal Wholesale Electric Co.*, 840 F.2d 985 (1st Cir.1988).

Finally, the parties are reminded that, pursuant to W.D.N.Y. Local Criminal Rule 58.2(a)(3), "written objections shall specifically identify the portions of the proposed findings and recommendations to which objection is made and the basis for such objection and shall be supported by legal authority." Failure to comply with the provisions of Rule 58.2(a)(3) may result in the District Court's refusal to consider the objection.

SO ORDERED.

DATED: February 22, 2022
Rochester, New York


MARK W. PEDERSEN
United States Magistrate Judge

1. The Commission has received information from the Ministry of Health, Labour and Welfare (MHLW) that the Ministry of Education, Culture, Sports, Science and Technology (MEXT) has been conducting a survey on the impact of the COVID-19 pandemic on the education of children and young people. The survey is being conducted in order to identify the needs of children and young people and to develop measures to support them.

[illegible][illegible]

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the investigation. The investigator must identify the problem and the scope of the investigation. The investigator must also identify the objectives of the investigation. The investigator must then develop a plan of action to address the problem. The plan of action should include the methods to be used, the resources to be used, and the timeline for the investigation. The investigator should also identify the potential risks and the steps to be taken to mitigate them. The investigator should then implement the plan of action and monitor the progress of the investigation. The investigator should also communicate the findings of the investigation to the appropriate parties. The investigator should also provide a final report to the appropriate parties. The investigator should also provide a final report to the appropriate parties.

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